IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO. 13189 of 2004

Between:

Dr.R.Syam Sunder, S/o.R.B.Raja Rao,
R/o.H.No.496, Street No.37, Vivekanandanagar Colony,
Kukatpally, RR Dist.

..... PETITIONER

AND

1 The Kukatpally Municipality, rep.by its Commissioner Kukatpally, RR Dist.
2 The S.H.O.,Kukatpally police Station, Kukatpally RR Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any appropriate writ, order or direction particularly in the nature of Mandamus declaring the action of the respondents in not permitting petitioner's hospital name board in Front Elevation of the main building situated at H.No.233/MIG-1, (MCK No.24/233) situated at K.P.H.B. Colony, Kukatpally village, & Municipality, Balanagar Mandal, R.R .District, and also declare that the action of the respondents as highly arbitrary, illegal, capricious and also in violation of Article 14 of the Constitution of India and also in violation of principles of natural justice.

Counsel for the Petitioner: MR.V.V.PRABHAKARA RAO, Advocate.

Counsel for the Respondent No1: MR.R.TIMMA REDDY,

S.C. for Municipalities.

Counsel for the respondent No.2: Govt. Pleader for Home.

The Court made the following:

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Oral Order:

Heard the learned counsel for the petitioner and also learned Standing Counsel for the 1st respondent—Municipality.

Rule Nisi.

It is the case of the petitioner that he purchased two flats bearing Nos.301 and 302 in a commercial complex, namely, **UDAYA KRISHNA BHAVAN** situated at Kukatpally Housing Board Colony, Kukatpally and started children's hospital in the name and style **SREEVATHSA FAMILY FRIENDS HOSPITAL**. For easy location of the hospital, when the petitioner tried to erect the name board in front of the complex, the municipal authorities with the influence of other flat owners did not allow him to erect the name board on the ground that the petitioner's flats are situated on the rare side of the building. In view of the same, petitioners filed the present writ petition for a ***Mandamus*** not to interfere with the petitioner's erecting name board in the front side of the complex.

Learned Standing Counsel for the 1st respondent—Municipality on instructions submits that respondent—municipality never interfered with the erection of name

board and only the other flat owners did not allow the petitioner to erect the same. If the said erection of name board requires any permission under the building bye-laws or in tune with Section 115 of A.P. Municipalities Act, necessary permission will be granted to the petitioner. But, so far the municipal authorities have not interfered with the erection of name board. The same is placed on record.

In view of the same, petitioner is at liberty to avail the remedies available under law against the other flat owners before the appropriate Forum.

The writ petition is accordingly disposed of. No costs.

_____ A.GOPAL REDDY, J.

29-07-2004

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner, Kukatpally Municipality, Kukatpally, RR Dist.

2 The S.H.O., Kukatpally police Station, Kukatpally RR Dist.

3.Two CCs to the Govt. Pleader for Home, High Court Buildings,

Hyderabad (OUT).

4.TwoCD copies.